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THM

BOSCHKOP CAS 110/02/2013

VIC 129/2013

IAN GLEN VAN DER NEST declares under oath, in English:

1.

I, number 0475253-8, am a **Lieutenant Colonel** in the South African Police Service, attached to the Biology Unit of the Forensic Science Laboratory as a **Chief Forensic Analyst** and a **Reporting Officer**, and I am in the service of the State.

2.

2.1 I am in possession of the following:

2.1.1 a *B.Sc* degree from Rhodes University with majors in Biochemistry and Microbiology;

2.1.2 a *B.Sc-Honours* degree in Biochemistry from the University of Rhodes;

2.1.3 a *Higher Certificate* in Train-the-Trainer with distinction obtained from Damelin Management School;

2.1.4 a *Certificate in Health and Safety Forensics and the Law* obtained from Technikon SA.

2.2 Courses, workshops attended:

2.2.1 I have **nineteen years** practical experience in the biological sciences. I have **fifteen years** practical experience at the Forensic Science Laboratory.

2.2.2 I have attended the following International and Local training courses, as well as workshops and seminars which have broadened my knowledge with respect to my specialized field of expertise:

2.2.3 Bone trauma and pseudo trauma in suspected Violent Deaths presented in 2009 by Dr Steve Symes of Mercyhurst College, Erie, Pennsylvania, USA, at University of Pretoria;

2.2.4 Completed the *Close Quarter Combat Course at Roodeplaas Dog School* of the South African Police Service in 2007;

- 2.2.5 *Basic Bloodstain Pattern Analysis Course* presented in 2004 by Mr Tom Bevel and Associate Professor at UCO in the Master of Forensic Science Program and President of the International Association of Bloodstain Pattern Analysts and Association for Crime Scene Reconstruction, United States, at Paarl, South Africa;
- 2.2.6 *Advanced Bloodstain Pattern Analysis Course* presented in 2004 by Mr Tom Bevel an Associate Professor at UCO in the Master of Forensic Science Program and President of the International Association of Bloodstain Pattern Analysts and Association for Crime Scene Reconstruction, United States, at Paarl, South Africa;
- 2.2.7 *Supervisors Role in Counterterrorism Investigations Seminar* presented in 2003 by the FBI at Pretoria, South Africa;
- 2.2.8 *The 1st African Forensic Science Conference held in 2003* at Pretoria, South Africa;
- 2.2.9 *Forensic Anthropological Approach to Evidence Recovery and Identification Workshop* presented in 2002 by the University Of Pretoria, South Africa, during which I presented a lecture;
- 2.2.10 *Death Scene Archaeology Seminar* presented in 2000 by Mercyhurst College, Erie, Pennsylvania, USA
- 2.2.11 *Advanced Investigative Psychology Course* presented in 2000 by the Detective Academy of the South African Police Service;
- 2.2.12 *Collection and Preservation of Crime Scene Evidence Training* presented in 2000 by the FBI, at Pretoria, South Africa;
- 2.2.13 *Basic Investigative Psychology Course* presented in 1999 by the Detective Academy of the South African Police Service;
- 2.2.14 *Internal Short Tandem Repeat Training* presented in 1999 by the Forensic Science Laboratory, Pretoria, South Africa;
- 2.2.15 *17th Congress of the South African Genetics Society in 1998*, at which I presented a poster titled *ΔTo catch a killer@;*

- 2.2.16 *Short Tandem Repeat Workshop* presented in 1997 by Perkin Elmer SA;
- 2.2.17 *General Health and Safety Training Course* presented in 1996 by the National Occupational Safety Association, South Africa;
- 2.2.18 *Internal DNA Training Program* presented in 1995 by the Forensic Science Laboratory, Pretoria, South Africa;
- 2.2.19 *Internal Training in DNA* presented in 1994 by the Forensic Science Laboratory, Pretoria, South Africa;
- 2.2.20 *Internal Serology Training Program* presented in 1994 by the Forensic Science Laboratory, Pretoria, South Africa;
- 2.2.21 *Elisa Training Program* represented in 1994 at Pretoria, South Africa;
- 2.2.22 *Internal Training for Preliminary Testing and Identification of Body Fluids* in 1994 by the Forensic Science Laboratory, Pretoria, South Africa.

2.3 Since 1998 I have presented training for new members of the Biology Unit of Forensic Science Laboratory in DNA techniques, as well as Crime Scene Investigations. I have also presented several lectures to the Justice Department, Pathologists, and various units in the South African Police Service.

I have completed more than 1291 Forensic examinations in disciplines which included DNA, Crime Scene Investigations, Crime Scene Reconstruction, Entomology and Exhumations.

I have given expert evidence in South African courts, as well as in Swaziland and Namibia. I have successfully testified in many High Profile cases where I have provided testimony in the afore-mentioned fields.

3.

During the course of my official duties on 2013-02-14 I was requested by Brigadier Ras, who is duty bound to the Victim Identification Centre, Forensic Science Laboratory of the South African Police Service, to attend a post-mortem examination of a body to be held at the Pretoria Forensic Pathology Service.



4.

During the course of my official duties on 2013-02-15, I travelled to the Pretoria Forensic Pathology Service Centre and attended a post mortem examination on an adult white female with body number DR 0188/13. The examining pathologist performing the autopsy was Professor G Saayman and the official photographer was Warrant Officer van Staden, who is duty bound to the Pretoria Local Criminal Record Centre of the South African Police Service.

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During the course of my official duties on 2013-02-15, I travelled to house number 286 Bushwillow Crescent at Silver Woods Estate, Silverlakes, Pretoria. Warrant Officer van Staden then accompanied me on a walkthrough of the house and requested that I assist the investigative team by defining possible events which resulted in the observed bloodshed. Bloodstain pattern analysis is based in the theory that blood as a fluid responds to forces in a predictable manner and thus the bloodstain patterns which are formed by a blood shedding event defines the nature of the action that created it. The following evaluations, observations and interpretations were made after considering the information obtained from the post mortem examination as well as a number of factors related to each pattern or stain, including but not limited to size, shape, number, dispersion, volume and location of these stains.

- 5.1 The deceased sustained bleeding wounds within the toilet. These wounds are consistent with gunshot wounds. No injuries consistent with blunt force trauma were noted at the post mortem examination which would have resulted in external blood loss. Three of the four wounds could have resulted in major bleeding, that being the wound to the region of the right anterior iliac crest of the hip bone, the right humerus above the elbow of the right arm and the right fronto-parietal region of the skull. Two of these wounds, namely the wound to the arm and head have arteries in immediate proximity to the wounds, which if breached, could have resulted in a streaming ejection of blood known as arterial spurt. Hair sweep, smears and arterial spurt could be seen in and on the toilet seat and bowl respectively. No significant spatter or spurt can be seen on the walls above the toilet, which would suggest that the deceased had a low body position and was situated in the vicinity of the toilet bowl, when receiving the injuries. After the deceased sustained the wounds she bled actively resulting in the large volume stains and arterial spurt as seen on the toilet floor and surrounding area. This would suggest vital

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reaction, with the anatomical basis for this being that there was still sufficient blood pressure in the circulatory system for active bleeding to occur.

- 5.2 After a time period the blood source was dragged from her position in the toilet and repositioned in a supine position on the bathroom floor. During this movement various orientations may be assumed between the artery and target surfaces. Blood is deposited from the arterial spurt emanating from the breached artery and it breaks up as a function of air resistance and gravity. This can result in large spatter stains together with smaller secondary spatter which can be deposited onto objects surrounding the deceased, including but not limited to the cricket bat. No impact spatter outside the toilet area could be noted. This type of spatter is typically produced when a blood source is impacted on by an external force, which then results in a radiating pattern of small round and elliptical-shaped stains, radiating outward from a central source. Contact pattern such as hair sweep, transfer stains as well as flows, pools and saturation stains were visible on the bathroom floor, as well as on other items associated with the bathroom floor.
- 5.3 After being repositioned the victim was then lifted and moved from the bathroom and transported via the main bedroom down the stairs to a position similar to which she was found. The bloodstains between these two points (the bathroom and downstairs voyer) are mostly comprised of a combination of arterial spurt, contact patterns and drip patterns from a replenishing source.
- 5.4 On 2013-03-11 I received a copy of a written statement as made by Oscar Leonard Carl Pistorius, dated 2013-02-19 made at his bail application held at the Pretoria Regional Court of Gauteng, on the same date, from Brigadier Ras. The version of events as set out in paragraphs 16.13 to 16.17 in the afore mentioned statement are consistent with the observed bloodstain patterns. It is my opinion that these events are the most probable and possible explanation for the observed bloodshed.

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I know and understand the contents of this declaration.

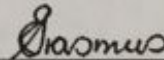
I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.



T S VAN DER NEST

I certify that the deponent has acknowledge that he knows and understands the contents of this declaration which was sworn before me and the deponent's signature was placed thereon in my presence at PRETORIA on 12 March 2013.



COMMISSIONER OF OATHS

Susanna ERASMUS

Forensic Science Laboratory

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ARCADIA 0083

Lt Colonel : SOUTH AFRICAN POLICE SERVICE

